



**City of Santa Clara  
PLANNING COMMISSION  
Wednesday, April 11, 2007  
7:00 P.M.  
CITY COUNCIL CHAMBERS  
MINUTES**

**Please refer to the Planning Commission Procedural Items  
coversheet for information on all procedural matters.**

**\*\*\*\*Special Meeting procedure for April 11, 2007 Planning Commission Hearing\*\*\*\***

- Agenda Items #1- 8.E. will be heard from 7:00 pm to 7:25 pm
- Agenda Items #9-12 will be heard from 7:30 pm to 9:30 pm and continued if necessary to a date certain
- Agenda Items #13-14 will be heard after 9:30 pm

**REGULAR ITEMS - 7:00 P.M**

**1. PLEDGE OF ALLEGIANCE and INVOCATION**

**2. ROLL CALL**

The following Commissioners responded to roll call: Chairperson Tony Marine, Commissioners Frank Barcells, Ian Champeny, Todd Fitch, Karen Hardy and Mohammed Sarodi.

Commissioner Teresa O'Neill was excused.

The following staff was present: Assistant City Attorney Susan Cochran, Director of Planning and Inspection Kevin Riley, Interim Manager of Development Review/Historic Resources Coordinator Gloria Sciara, Civil Engineer II Darrell Mackie and Associate Planner Judith Silva.

**3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Ms. Sciara advised those present that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

**4. DECLARATION OF COMMISSION PROCEDURES**

Chairperson Marine reviewed Planning Commission procedures, while noting speaker cards were available for Agenda Items 9 – 12.

**5. REQUESTS FOR WITHDRAWALS AND CONTINUANCES WITHOUT A HEARING**

Agenda Item #8.D.: Location: 3125 Molinaro Street File: PLN2006-05968

Agenda Item #8.E.: Location: 3590 El Camino Real File: PLN2007-06241

**6. ITEMS FOR COUNCIL ACTION**

The following items will be sent forward to the City Council following the conclusion of hearings and recommendations by the Planning Commission:

Agenda Item 8.C.: Location: 3625 Pruneridge Avenue, FILE PLN2007-06271

Agenda Item #9-12: Location: 90 N. Winchester Boulevard File No: CEQ2006-01032 DEIR  
CEQ2006-01033 RDEIR; CEQ2007-01039: Final EIR (SCH#2003072093)

PLN2003-03744; PLN2003-03745; PLN2003-03958; PLN2006-05568; PLN2007-06295;  
PLN2007-06327; PLN2007-06329:

## 7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

## 8. CONSENT CALENDAR

### Routine Items/Consent Calendar

8.A. Planning Commission Minutes of March 14, 2007

### Public Hearing Items/Consent Calendar

The following public hearing items were approved, subject to conditions. Items 8.B. and 8.D. Agenda Items 8.D. and 8.E. were heard under Agenda Item #5 and continued to the Planning Commission meeting of May 23, 2007.

**Note: Agenda 8.B. was removed from the Consent Calendar for discussion.**

8.B. File: **PLN2007-06236 (PLN2005-04807)**  
Location: 2489 El Camino Real, a 14,500 square foot parcel, located on the north side of El Camino Real, approximately 80 feet east of Morse Lane (APN 216-01-047). Property is zoned CT (Commercial Thoroughfare).  
Applicant/Owner: Sunnam & Hyungbin Sun  
Request: **Time extension/Renewal** of previous architectural approval and variance approvals for substandard front yard setback and parking, in conjunction with the construction with the construction of a new 2-story, 18-unit motel.  
Project Planner: Jeff Schwilk, Associate Planner

### **Summary of Discussion – April 11, 2007**

Commissioner Fitch removed this item from the Consent Calendar for clarifications on any proposed changes. The applicant was not present for discussion.

Tom Conners who resides on Robinson Avenue, adjacent to the property, addressed the Commission and stated he would like to see any proposed changes to the former approval.

### **Commission Action – April 11, 2007**

It was moved by Commissioner Fitch, seconded by Commissioner Champeny and unanimously carried (Commissioner O'Neill excused) to **continue** this item to the Planning Commission meeting of April 25, 2007.

8.C. File: **PLN2007-06271**  
Location: 3625 Pruneridge Avenue, a 0.34 acre parcel located on the north side of Pruneridge Avenue, approximately 150 feet west of Lawrence Expressway ( APN 316-10-031). Property is zoned PD (Planned Development).  
Applicant: Joshua D. LoBue  
Owner: Pruneridge Villas LLC  
Request: **Tentative Subdivision Map for 8 townhomes on a 9 lot subdivision**  
Project Planner: Debby Fernandez, Assistant Planner II  
**Commission Recommendation:** **Recommended City Council approval, subject to conditions**

- 8.D.** File: **PLN2006-05968**  
Location: 3125 Molinaro Street, Suite 101, an existing 1,994 square foot tenant space within a 0.54 acre parcel located at the north east corner of Molinaro and Gianni Streets (APN 097-39-019).  
  
Applicant: Efrain Pimental-Tinajero  
Owner: Antonio and Maria Luna  
Request: **6-Month Review of Use Permit** to allow beer and wine sales in conjunction with an existing full service restaurant  
Project Planner: Doug Handerson, AICP, Associate Planner  
**Commission Action:** **Continued to May 23, 2007**
- 8.E.** File: **PLN2007-06241**  
Location: 3590 El Camino Real, a 0.72 acre parcel located at the southeast corner of El Camino Real and Lawrence Expressway A (PN 290-01-115). Parcel is zoned CT (Commercial Thoroughfare).  
  
Applicant: Friends Restaurant (formerly Flames)  
Owner: William Matusich  
Request: **Amendment of existing Use Permit** in conjunction with a tenant replacement in an existing restaurant requesting increased seating, hours of operation and a new patio area with 8 seats.  
Project Planner: Marge Sung, As Needed Planner  
**Commission Action:** **Continued to May 23, 2007**

**NOTE: The following public hearing items regarding 90 N. Winchester Boulevard were be heard at 7:30 p.m.**

9. File: **CEQ2006-01032/ CEQ2006-01032/CEQ2007-01039/SCH# 2003072093**  
Location: 90 North Winchester Boulevard, an approximately 17-acre site (former BAREC site), located on the west side of Winchester Boulevard, bordered by residences along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. Winchester Boulevard is located immediately east of the project site. Parcel is zoned A (Agricultural). APN 303-17-048 and 303-17-049  
Applicant/Owner: State of California Department of General Services  
Request: **Certification of the Final Environmental Impact Report** for the *Santa Clara Gardens Development Project* consisting of 110 single family homes, up to 165 affordable senior housing units, and a one acre public park  
Project Planner: Gloria Sciara, AICP, Interim Manager of Development Review

**Summary of Discussion - April 11, 2007**

Chairperson Marine noted speakers would be allowed 3 minutes, while noting there was a time limit for this evenings meeting, which also be continued.

Commissioner Champeny read the several agenda items into the record.

Director of Planning and Inspection, Kevin Riley, introduced the environmental consultants and reviewed the items before the Commission. He noted additional correspondence had been received which had been distributed to the Planning Commission. Mr. Riley noted that the Commission needed to take action on the environmental item before making recommendations on the other agenda items related to this request.

Mr. Riley noted the General Plan called for Moderate Density and has since c.1988, with General Plan amendment #28 which changed the designation from Office and Single Family to Moderate Density Housing. He noted the existing A (Agricultural) zoning reflects the former BAREC uses. He then reviewed the proposed three rezonings for the proposed Senior Project, Market Rate Development and City Park.

The Director of Planning and Inspection then reviewed the various community meetings during 2001-03, the State Department of General Services solicitation in 2002, 2003 City Council adopted principles and guidance for the site which staff has used for guidance. He then noted that the City of Santa Clara Redevelopment Agency had formalized the purchase of the senior site, with Summerhill purchasing the remainder of the site.

Mr. Riley then reviewed the rezoning request and master site plan, with the two senior buildings located near Winchester Boulevard, single family homes behind and along the existing residential properties on the south, west and eastsides, as well as the proposed 1-car parking on the northwest corner of the site. The Density Bonus and reduced parking for the senior site was then reviewed. Mr. Riley noted 110 homes were proposed on the Summerhill portion of the site, including 36 single family homes on the perimeter and 74 clustered units with streetfronts and alleyways in the center of the subdivision. He noted Summerhill would do the park improvements with many of the existing trees to remain on the far western side of the property. The required parcel map and subdivision map was reviewed, as well as the Development Agreement that would vest approvals, assure affordable housing component and define development obligations. Slides were shown of the property and surrounding areas.

Gloria Sciara, Interim Manager of Development Review, then reviewed the various environmental

documents, how the EIR was prepared, project objectives, which include affordable housing, alternatives used, park space, public improvements and goals of DGS which Includes maximizing financial goals of the State and people of California. Other issues covered were cultural resources, which was found to have no significant environmental impacts and soil remediation. She noted the development does not contribute any significant traffic impacts, however the signal at Forest Avenue and Winchester was under the City of San Jose's jurisdiction, discussing improvements involved with the Valley Fair/Westfield Mall expansion.

Katia Kamingar, Senior Vice President of Summerhill Homes then addressed the Commission and those present. Ms Kamingar stated she was representing the development team, which includes Summerhill, and both the Methodists and Charities Housing. She requested a total of 15 minutes for her presentation for the entire team. Ms Kamingar noted the site was designated for over two decades for residential uses and that there had been significant neighborhood outreach. She noted the entire site had been planned with the compatibility with the surrounding uses, while noting there were 74 patio homes and 26 single family detached homes around the perimeter of the site adjacent to the existing single family homes.

Alice Sutton of the Methodist Retirement Foundation then addressed the Commission. She noted the senior housing site was in close proximity to shopping and transit for low-income seniors whose average annual income was \$10,000 at their other centers. Ms. Sutton reviewed the huge need for affordable senior housing, noting there was a 2-4 waiting period. In response to Ms. Sutton, many, many seniors stood in support of the request. She then stated that this location is very desirable for seniors as it is located next to transit, health care services and open space which was ideal now and would be 50 years from now.

Chairperson Marine then opened the public hearing and noted speakers would be allowed 3 minutes.

- Joe Sunseri of Dorcich Drive noted his concerns with traffic and parking overflowing into his neighborhood.
- Joy Haas of Doug Lane stated the FEIR is faulty, including the soils report, and that the report did not include the importance of the Master Gardeners.
- Steve Hazel addressed those present and stated the first public hearing was on April 13, 2006 and now Friday is the 13<sup>th</sup>. He spoke on the proposed soil remediation and soils testings. He said the Toxic Substance Controls Agency has an interest in development the site. Mr. Hazel then stated the site is contaminated and toxic, that the land is worthless and that someone other than DTSC should be used.
- Margaret Ha stated the seniors were being used to take away BAREC which should be used be agricultural/open space.
- Margaret Bard, co-chair of the *Housing Action Coalition* then spoke in support of the request. She noted she was also representing the *Greenbelt Alliance* and *Sierra Club* who also supported the development which put housing near jobs, retail and shops.
- Mimi Rayl spoke in support of the request, noting this property presents an opportunity for housing and that the site is appropriate for a mixed use neighborhood.
- Ron Beckstead of Doug Lane stated he did not have time to review the report and asked for a continuance.
- John Bell of Sunnyvale stated concerns with loss of agricultural land and stated there was a demand for produce and farmers markets.
- John Farrow, ESQ with Wolfe Associates representing SAVE BAREC stated the proposed cleanup does not remove all the contaminants and there were human health risks and no cumulative assessments done. He stated the City should not allow housing on the contaminated site and requested the EIR be recirculated for health assessment.
- Sue Ammerman, resident and homeowners and proclaimed environmentalist requested the land be preserved for future generations and that the seniors should have gardens for food.
- Linda Perrine of San Jose faulted the City's General Plan for not having a Conservation Easement and that the property should be used for organic farming.

- Ms. Wixsom stated this proposal and the City make a mockery of the democratic process, that there was insufficient time to review the project and that Summerhill was a done deal.
- Steven Dill of Brown Avenue, Santa Clara stated he was saddened by the loss of farmland. He requested the use of green building to mitigate the loss of farmland and requested to know where the contaminated soil is deposited.
- Brian Lowery of Santa Clara stated he had spoken to the SAVE BAREC group for the last 1-1/2 years and noted this was the last agricultural land in Santa Clara. He then threatened a public referendum should this proceed.
- Lilyann Brannon of San Jose stated the City and State process is wrong and was from the beginning. She stated the public owns the land and has since 1880 and that the property is historic and should be used as a heritage farm and as a remnant of agricultural land where food is produced.
- Yoland Reynolds stated the need for agricultural land and that the county has some of the best soil in the worth and therefore the soil is historic. He also stated concerns with traffic and transportation and voiced his concerns that the methodology used benefits the developer.
- Marla Wilson of Greenbelt Alliance stated her organization was in support of the proposal noting that the site is near retail and transit, the great need for housing, particularly seniors and stated they would like to see the density increased. She also noted the ample open space for seniors and the additional public park.
- Bob Walker of Burrell Court, and representing SAVE BAREC, stated senior housing is needed but to keep a park in the middle.
- Shiloh Ballard of Silicon Valley Leadership Group sated she was representing 250 businesses in the Valley. She stated housing was a top priority in the valley and this site make good sense in this urbanized area. Ms. Ballard stated the Leadership Group was in full support of the request.
- Richard Harrison of Westridge Drive noted concerns with soil contamination on site and the impact the development may have on the Campbell School District.
- Angela D'Orfani stated she lives on the eastside of the proposed park and was representing Sharon McRay. She noted the Santa Clara Historic Society did not support the request and would not allow her children to play on the contaminated soil.
- Christie Kinney stated the League of Women's Voters had supported the request in 2006. She asked that the soil be cleaned properly and requested that a full Planning Commission be present (Commissioner O'Neill was excused).
- Jean Dresden of San Jose stated she had used BAREC in her research many years ago and was worried about the loss of research site. She stated she had worked with chemicals on the site in the 1970s and requested denial of the request.
- Katherine Matthewson of San Jose stated she had only one weekend to review the FEIR. She presented a 1930s aerial of structures built in the 1880s and stated the EIR did not include all of the chemicals used on site and that the open space should remain agricultural land.
- Shawn Jones of Alameda County stated he felt cheated that he could not use the land for research in his environmental studies.
- Pierluigi Oliverio, San Jose District 6 City Councilperson, asked that any decision be delayed for additional soils study and that the report does not cover all the traffic impacts of the Valley Fair expansion.
- Jody Hucko of San Jose asked for a continuance. She noted CEQA requires the City's objectives to be covered and questioned "no historical significance". She stated that quality of life was important as well as open space.
- Tim Hickey of Santa Clara stated he would like to see BAREC saved for open space.
- Charlene Plascencia of San Jose stated housing should be somewhere else and that this site should be used for farming. She stated the proposed park should be a meadow and not a large lawn, while requesting the site be kept for farming.
- Chris Mendile stated she was concerned with traffic and opposed to development of the site.
- Marilyn (no card or last name submitted) of Westridge Drive stated one group was benefiting

- financially and the rest have to live there. She stated anyone approving this EIR is unethical.
- Karen Stephenson asked the Commission to continue this item and that BAREC is culturally significant and needs to be preserved.

End of public testimony.

A 5-minute rebuttal was then given the applicant.

Katia Kamingar of Summerhill Homes then addressed the Commission. She stated the EIR has been recirculated and that many parcels of land have had soil remediated. She stated she felt the project contained a good mix of affordable housing, parkland and single family housing. She requested the Commission's support of the EIR.

It was then moved by Commissioner Barcells, seconded by Commissioner Fitch and unanimously carried (Commissioner O'Neill excused) to close the public hearing (10:00 p.m.). Chairperson Marine stated he would like to review Santa Clara County's Historical Commission's comments on this site. Commissioner Fitch reiterated the Chair's concerns, but stated he did not want to keep seeing additional information submitted to delay the public hearings.

Commissioner Hardy stated she would like to hear from the environmental consultants, particularly on the soil contamination. Commissioner Sarodi, Barcells and Champeny stated they he would like to continue this item.

Assistant City Attorney Susan Cochran noted this matter will proceed to City Council and that the Planning Commission can avoid necessity to reopen the public hearing and the public testimony has been received.

Ms. Sciara, Project Manager, then reviewed the various public review periods of this proposal, including the release of the FEIR which meet State requirements of 10 and 30 days.

#### **Commission Action – April 11, 2007**

It was moved by Commissioner Fitch, seconded by Commissioner Champeny and unanimously carried (Commissioner O'Neill excused) to continue this item to April 25, 2007 at 7:00 p.m. Regular Planning Commission items will be heard beginning at 6:00 p.m.

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|-----|------------------|---|
| 10. | File:            | <b>PLN2003-03745</b>  |
|     | Location:        | 90 North Winchester Boulevard, an approximately 17-acre site, located on the west side of Winchester Boulevard, bordered by residences along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. Winchester Boulevard is located immediately east of the project site. Parcel is zoned A (Agricultural). APN 303-17-048, APN 303-17-049  |
|     | Applicant/Owner: | State of California   |
|     | Request:         | Approval of a <b>General Plan Amendment #56</b> to change the current General Plan designation of the property from <i>Medium Density Residential</i> (26-36 units per acre) to <i>Single Family Residential Attached</i> (9-18 units per acre) for 16 acres generally known as Parcel 2 and 3 on Tentative Parcel Map PLN2006-05568; and to <i>Public</i> for the one acre parcel known as Parcel 1 of the referenced map to allow for the development <i>Santa Clara Gardens Project</i> (PLN2003-03744) consisting of 110 single family homes, up to 165 affordable senior housing units, and a one acre public park |
|     | Project Planner: | Gloria Sciara, AICP, Interim Manager of Development Review  |
|     |                  | <b><u>There was no discussion of this item and proposal was continued to April 25, 2007.</u></b>  |

11. File: **PLN2007-06295**  
Location: 90 North Winchester Boulevard (APN 303-17-048 and 049), an 11 acre parcel (known as Parcel 2 in Tentative Parcel Map application PLN2006-05568) within an approximately 17-acre site, located on the westside of Winchester Boulevard, bordered by residential properties along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. The Westfield/Valley Fair Shopping mall, is located to the east of the project site on Winchester Boulevard.  
Applicant: Summerhill Homes  
Owner: State of California  
Request: **Vesting Tentative Subdivision Map** to subdivide an 11-acre parcel into 110 individual lots and one common landscaped open space area identified as Lot A and the dedication of public streets to allow the construction 110 single family residences,  
Project Planner: Gloria Sciara, AICP, Interim Manager of Development Review  
**There was no discussion of this item and proposal was continued to April 25, 2007.**

12. Files: **PLN2003-03958, PLN2003-03744, PLN2007-06237 (Rezoning) PLN2007-06329 (DA)**  
Location: 90 North Winchester Boulevard (APN 303-17-048 and 049), an approximately 17-acre site, located on the westside of Winchester Boulevard, bordered by residences along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. Winchester Boulevard is located immediately east of the project site. The Westfield/Valley Fair Shopping Mall and Santana Row (a commercial shopping center) are located along Winchester Boulevard, in the City of San Jose.  
Applicants: Santa Clara Methodist Retirement Foundation (senior housing developer), Charities Development (affordable housing developer) and Summerhill Homes (market-rate housing developer).  
Owner: State of California  
Request: **Rezone from A (Agricultural) to PD [Planned Development (R3 – Moderate Density)]** (PLN2003-03958) to allow up to 165 Senior Housing units on a 6-acre portion (Parcel 3 of Tentative Parcel Map PLN2006-05568) of the property, including a Density Bonus for parking reductions, covered parking, building heights and parking stall dimensions;  
**Rezone from A to PD [Planned Development (R3 – Low Density)]** (PLN2003-03744) for the development of 110 new detached and attached single family residential units on 10 acres with public and private streets;  
**Rezone from A to B (Public Park)** (PLN2007-06237) allowing the dedication and development of a new one acre City Park (Parcel 1 of Tentative Parcel Map PLN2006-05568), and  
**Approval of a Development Agreement** between the Summerhill Homes, the Department of General Services State of CA, City of Santa Clara, and the Redevelopment Agency for terms allowing implementation of the *Santa Clara Gardens Development Project; and Project*  
Planner: Gloria Sciara, AICP – Interim Current Planning Manager  
**There was no discussion of this item and proposal was continued to April 25, 2007.**



### 13. OTHER BUSINESS

Commission Procedures and Staff Communications

*Public comment on these items may be limited to one minute, at discretion of the Chair*

#### a. Announcements/Other Items

- BART Project update and Santa Clara Station Area Plan and BART Project update
- Request for Authorization to transfer APA Conference Registration and related expenses paid for Commissioner Champeny for attendance of a Planning Staff
  - Motion and Action required by Commission to authorize expenditure

Motion: It was moved by Commissioner Fitch, seconded by Commissioner Sarodi and unanimously (O'Neill excused) carried to **authorize transfer APA Conference Registration and related expenses** paid for Commissioner Champeny for attendance of a Planning Staff.

#### b. Report of the Director of Planning and Inspection

- City Council actions
- Commission/Board Liaison and Committee Report

#### c. Commission Procedures

- Planning Procedures
- Workplan items
- Follow-up on Possible Topics for Joint Meeting between Planning Commission and City Council: Discussion (attached)

### 14. ADJOURNMENT

As there was no further business, the meeting was adjourned at 10:49 p.m. to the next Planning Commission meeting on April 25, 2009 at **6:00** p.m.

Respectfully submitted:

Judith Silva  
Associate Planner

Approved:

Gloria Sciara, AICP  
Interim Manager of Development Review

Kevin L. Riley, AICP  
Director of Planning & Inspection

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